



RECEIVED

AUG 15 1994

SUPERFUND REMEDIAL DIVISION

PRESTON GATES & ELLIS
ATTORNEYS

August 9, 1994

RECEIVED
AUG 11 1994
OFFICE OF REGIONAL COUNSEL
EPA - REGION 8

Linda Priddy

PASSF
7.1.1

Mr. Mark Fuchs
Acting Section Supervisor
Toxics Cleanup Program
Washington Department of Ecology
4601 North Monroe
Spokane, Washington 99205-1295

Re: Pasco Landfill Site - Partial Site Delisting

Dear Mr. Fuchs:

As you may know, in January 1994 we filed a petition on behalf of Pasco Sanitary Landfill, Inc. ("PSL") with EPA and Ecology requesting that the northern 52 acres of the Pasco Landfill Site ("Site") be removed from both the National Priorities List ("NPL") and the Washington Hazardous Sites List ("HSL"). Both EPA and Ecology provided initial letter responses to the petition. Copies attached. We subsequently spoke with Flora Goldstein and met with EPA to discuss the procedures available under state and federal law to provide the relief requested by PSL. Although Flora and I discussed several options at that time, we both concluded that due to the Site's NPL status, we should wait for EPA to complete its review before Ecology took any action.

On July 14, we received EPA's final decision on the petition. A copy of that letter was sent by EPA to Guy Gregory, so you may already have seen a copy. Another copy of EPA's letter is attached for your convenience. EPA determined that "[I]f contamination has not 'come to be located in an area,' then it is not part of the facility." The Phase I RI Report, which has now been approved by Ecology, clearly demonstrates that no hazardous substances have "come to be located" in the northern 52 acres of the Site. Thus, EPA's decision means that this area is no longer part of Pasco Landfill Site NPL listing, and perhaps it never was.

Now that we have EPA's decision, we request that Ecology proceed to remove this area from the HSL. Flora and I had discussed several options, including a "no further action" cleanup action plan for the northern portion of the Site. At that time, we were unsure if or how EPA might respond to the petition and were considering options that would push EPA to respond in some formal fashion. Now that we have a positive, final EPA decision, Ecology

USEPA SF



1426499

A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

ANCHORAGE • COEUR D'ALENE • LOS ANGELES • PORTLAND • SEATTLE • TACOMA • WASHINGTON, D.C.

1400 SEAFIRST FINANCIAL CENTER 601 W. RIVERSIDE AVE. SPOKANE, WA 99201-0636 PHONE: (509) 624-2100 FACSIMILE: (509) 456-0146

Mr. Mark Fuchs
August 9, 1994
Page 2

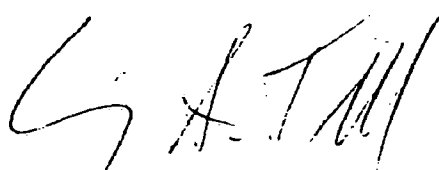
may only need to issue a simple "public notice," including the Site Register, and allow a reasonable comment period.

We understand that Ecology's resources are limited. Supporting documentation for delisting should primarily be the Phase I RI Report. In addition, PSL is willing to assist your staff, such as by providing preliminary draft notices, developing distribution lists or drafting comment responses.

Please call me to discuss this matter further.

Very truly yours,

PRESTON GATES & ELLIS

A handwritten signature in dark ink, appearing to read 'C. S. Trueblood', written in a cursive style.

Craig S. Trueblood

cc: Guy Gregory, Ecology - Spokane
Kathy Gerla, Assistant Attorney General
Larry Dietrich, PSL
Richard DuBey, IWA Generator Group
Marlys Palumbo, Counsel for BEI
Jim Sells, Landfill Group
Stephanie Delaney, EPA Assistant Regional Counsel